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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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David B. Ritchie Thelen Reid & Priest LLP P.O. Box 640640 San Jos, CA 95164-0640			EXAMINER MASKULINSKI, MICHAEL C	
			ART UNIT 2113	PAPER NUMBER
DATE MAILED: 11/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/066,170

Applicant(s)

T HOOFT ET AL.

Examiner

Michael C. Maskulinski

Art Unit

2113

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/22/05</u> . | 6) <input type="checkbox"/> Other: _____ |

Final Office Action

Claim Rejections - 35 USC § 112

1. In view of the recent amendments, the rejection of claims 3, 7, 11, 15, and 19, under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, has been withdrawn.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 3, 7, 11, 15, and 19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. On page 9, under the section REMARKS, the Applicant argues that the amendment does not present new matter and relies on pages 15 and 16 and paragraphs 30 and 31 for support. After careful examination of these paragraphs the Examiner does not find support for this amendment. Specifically, paragraph 31 states, " The bug submission module 110 submits the collected data via SIM 112 to the support host as specified in the submission service in block 310. The support host may either be the first support host 104 or another support host such as second support host 116." Having a second

support host return address comprise a first support host address doesn't have any support.

Claim Rejections - 35 USC § 101

4. In view of the recent amendments, the rejection of claims 17-20, under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, has been withdrawn.

Claim Rejections - 35 USC § 102

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 2, 4-6, 8-10, 12-14, 16-18, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Meier et al, U.S. Patent 6,058,393.

Referring to claims 1, 13, and 17:

- a. In column 8, lines 55-65, Meier et al. disclose that to locate a debugger, a tool locator mechanism is used. To locate a debugger, the tool locator can identify a machine and a port within a machine. Further, in column 16, lines 46-56, Meier et al. disclose a debugger client application program interface (requesting a bug submission service from a first support host using a Support Interface Module for communicating with said first support host).
- b. In column 17, lines 48-52, Meier et al. disclose that a debug it message to the debugger server includes all of the arguments of the debugit routine such as

internet address, login ID, password, address-space ID, thread ID, instruction address and the debugger server arguments (said debug submission service having a list of data to be collected).

c. In column 8, lines 55-65, Meier et al. disclose that to locate a debugger, the tool locator can identify a machine and a port within a machine (a second support host return address).

d. In column 5, lines 63-65, Meier et al. disclose that the tool locator will return a session list which is a list of all debuggers that meet the search criteria requested (said first support host having a support services resource).

e. In column 5, lines 58-60, Meier et al. disclose that the tool locator returns a communication endpoint address of a desired debugger so that a connection can be established with the debugger (receiving said requested bug submission service from said first support host using said Support Interface Module).

f. In column 17, lines 48-52, Meier et al. disclose that a debug it message to the debugger server includes all of the arguments of the debugit routine such as internet address, login ID, password, address-space ID, thread ID, instruction address and the debugger server arguments (collecting data based on said list of data to be collected).

g. In column 8, lines 55-65, Meier et al. disclose that to locate a debugger, the tool locator can identify a machine and a port within a machine (sending said collected data to said second support host return address using said Support Interface Module).

Referring to claims 2, 6, 10, 14, and 18, in column 5, lines 55-65, Meier et al. disclose that tool locator returns a session list, which is a list of all debuggers that meet the search criteria requested. Each debugger has a corresponding address (said support services resource further comprises a directory of support host addresses).

Referring to claims 4, 16, and 20, in column 8, lines 50-62, Meier et al. disclose a debugger client can then send a message to request debugging services for itself or for another program running on the network. It does this by first sending a message to the tool locator to locate a debugger server specified by the debugger client. The tool locator will return the socket address of a debugger server that matches the debugger client's specification (receiving said debug submission service request by the support interface module). The debugger client then sends a "debugIt" message to the debugger server to request debugging service from the debugger server (establishing overall control of said bug submission service request process; generating at least one session for said bug submission service request; initializing communication control of said bug submission service request process). The debugger server will then attach a monitor/controller to the debuggee (generating at least one transport for the at least one session; and transmitting and/or receiving data via the at least one transport).

Referring to claims 5 and 9:

- a. In column 8, lines 55-65, Meier et al. disclose that to locate a debugger, a tool locator mechanism is used. To locate a debugger, the tool locator can identify a machine and a port within a machine. Further, in column 16, lines 46-56, Meier et al. disclose a debugger client application program interface (a

receiver for receiving a bug submission service using a Support Interface Module for communicating with a first support host).

b. In column 17, lines 48-52, Meier et al. disclose that a debug it message to the debugger server includes all of the arguments of the debugit routine such as internet address, login ID, password, address-space ID, thread ID, instruction address and the debugger server arguments (said debug submission service having a list of data to be collected).

c. In column 8, lines 55-65, Meier et al. disclose that to locate a debugger, the tool locator can identify a machine and a port within a machine (a second support host return address).

d. In column 5, lines 63-65, Meier et al. disclose that the tool locator will return a session list which is a list of all debuggers that meet the search criteria requested (said first support host having a support services resource).

e. In column 17, lines 48-52, Meier et al. disclose that a debug it message to the debugger server includes all of the arguments of the debugit routine such as internet address, login ID, password, address-space ID, thread ID, instruction address and the debugger server arguments (a collector coupled to said receiver for collecting data based on said list of data to be collected).

f. In column 8, lines 55-65, Meier et al. disclose that to locate a debugger, the tool locator can identify a machine and a port within a machine (a sender coupled to said collector for sending said collected data to said second support host return address using said Support Interface Module).

Referring to claims 8 and 12, in column 8, lines 50-62, Meier et al. disclose a debugger client can then send a message to request debugging services for itself or for another program running on the network. It does this by first sending a message to the tool locator to locate a debugger server specified by the debugger client. The tool locator will return the socket address of a debugger server that matches the debugger client's specification (a session handler for receiving a user request from a bug submission module and for controlling the activities of said Support Interface Module). The debugger client then sends a "debugIt" message to the debugger server to request debugging service from the debugger server (at least one session generated the session handler for processing said user request). The debugger server will then attach a monitor/controller to the debuggee (a transport handler initialized by said at least one session for managing communications with said first support host; and at least one transport generated by said transport handler for communication of said at least one session with said support services resource).

Response to Arguments

7. Applicant's arguments filed October 7, 2005 have been fully considered but they are not persuasive.

8. First of all, the Examiner would like to note that the Applicant is correct in that there was a mistake made in the last Office Action. The Examiner has corrected this mistake above so that the cited column referred to is column 8 instead of column 2. The Applicant is reminded that a reference is always considered as a whole and that it is the duty of the Applicant to read it thoroughly.

9. On page 10, under the section REMARKS, the Applicant argues, "Applicant respectfully notes that the rejection of Claim 1 neither showed the identical invention in as complete detail as contained in the claim, nor were the elements arranged as required by the claim, as hereinafter discussed." The Examiner respectfully disagrees. The Examiner checked the MPEP for section 2101 and found that section 2101 does not exist. The Examiner wonders if the Applicant meant section 2131 of the MPEP. The Examiner would like to note that section 2131 of the MPEP states: "When a claim covers several structures or compositions, either generically or as alternatives, the claim is deemed anticipated if any of the structures or compositions within the scope of the claim is known in the prior art." Further, in section 2111 of the MPEP, there are guidelines for giving a claim its broadest reasonable interpretation. For at least these reasons, the rejection is proper.

10. On page 12, under the section REMARKS, the Applicant argues, "Applicant respectfully notes that the cited section failed to teach anything about requesting a bug submission service; i.e., a service for enabling submission of a bug report." The Examiner respectfully disagrees. In column 8, lines 55-65, Meier et al. disclose that to locate a debugger, a tool locator mechanism is used. To locate a debugger, the tool locator can identify a machine and a port within a machine.

11. On page 12, under the section REMARKS, the Applicant argues, "Further, Claim 1 clearly recited that the bug submission service includes a list of data to be collected and a second support host return address. The foregoing are nowhere to be found in the cited sections of Meier." The Examiner respectfully disagrees. In column 17, lines

Art Unit: 2113

48-52, Meier et al. disclose that a debug it message to the debugger server includes all of the arguments of the debugit routine such as internet address, login ID, password, address-space ID, thread ID, instruction address and the debugger server arguments (said debug submission service having a list of data to be collected). In column 8, lines 55-65, Meier et al. disclose that to locate a debugger, the tool locator can identify a machine and a port within a machine (a second support host return address).

12. On page 12, under the section REMARKS, the Applicant argues, "Instead, the cited section of Meier taught that a debugger client sends a message to the debugger server to request debugging service from the debugger server. The message of Meier to the debugger server requests a debugging service, and not the bug submission service of Applicant's invention (emphasis by Applicant)." The Examiner respectfully disagrees. The Applicant above defines a bug submission service as a service for enabling submission of a bug report. Clearly, requesting a debugging service is the same as a service enabling submission of a bug report.

13. On page 12 under the section REMARKS, the Applicant argues, "The debugger of Meier taught nothing about requesting a bug submission service having a list of data to be collected and a second support host return address." The Examiner respectfully disagrees for at least the reasons given in paragraph 9 above.

14. On page 13, under the section REMARKS, the Applicant argues, "This section taught nothing about requesting a bug submission service having a list of data to be collected and a second support host return address from a first support host." The

Examiner is confused as to what the Applicant means since this section was never relied on to teach that limitation (see paragraph 9 above).

15. On page 13, under the section REMARKS, the Applicant argues, "The debugger service is clearly not the same thing as a bug submission service having a list of data to be collected and a second support host return address." The Examiner respectfully disagrees for at least the reasons given in paragraph 9 above and what is disclosed in column 5, lines 34-65.

16. On page 14, under the section REMARKS, the Applicant argues, "Applicant respectfully notes that Claim 1 explicitly recited '...request a bug submission service...said bug submission service having a list of data to be collected and a second support host return address.'" It is noted that the service has the list of data and the second support host return address, not the request for service. The cited section of Meier taught nothing about an actual service having a list of data to be collected. Rather, the cited section of Meier explicitly taught that the message (the request) included 'all of the arguments of the debugit routine.'" The Examiner respectfully disagrees. A reasonable interpretation of a "bug submission service" is some kind of program that allows for the submitting of a bug to a host. This is disclosed by Meier since Meier discloses allowing a program (debugit) to request debugging services from itself or another program running and then sending all the arguments of the debugit routine. If the Applicant intends for the "bug submission service" to be an application on a client used by a remote debugger to debug the client, then this is also taught by Meier, for example, in column 20, lines 45-63.

17. On pages 14-15, under the section REMARKS, the Applicant argues, "Thus, apparently, the invention of Meier requires one to run a tool locator rather than requesting a service as recited in Claim 1. Further, the tool locator returns the address of a debugger server. This taught nothing about the bug submission services, nor about the inclusion of a second support host return address of the bug submission services." The Examiner respectfully disagrees. According to claim 1, it is **never** stated what or who does the requesting. Therefore, the section cited teaches this limitation. Further, in column 8, lines 55-65, Meier et al. teach the bug submission service and the inclusion of a second support host return address of the bug submission service. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

18. On page 15, under the section REMARKS, the Applicant argues, "Returning an endpoint address and establishing a connection with the debugger have nothing to do with receiving the requested bug submission service as recited in Claim 1." The Examiner respectfully disagrees. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

19. On page 16, under the section REMARKS, the Applicant argues, "This section taught nothing about sending collected data nor about sending anything to the second support host address, as recited in claim 1. Identifying a machine and a port has

Art Unit: 2113

nothing whatsoever to do with the sending of collected data to a second support host return address using a Support Interface Module. The Examiner respectfully disagrees. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

20. On page 16, under the section REMARKS, the Applicant argues, "With respect to the MPEP requirement that the elements are arranged as required by the claim, Applicant respectfully notes that various places of Meier have been selectively extracted and hobbled together to form the rejection of Claim 1. This is impermissible under the second requirement of the MPEP." The Examiner respectfully disagrees and cannot find any such requirement. The Examiner would like to note that a prior art reference is **always** taken as a whole, and even though there may be separate embodiments, they are all related to **one** invention.

21. The arguments, on page 17 under the section REMARKS, regarding claims 2-4, 13-18, and 20 have already been addressed above. The Examiner directs the Applicant's attention there.

22. On page 18, under the section REMARKS, with respect to claims 5-8, the Applicant argues, "As previously discussed, and incorporated herein by reference, the cited section of Meier taught a tool locator for requesting a debugging service. Neither a toll locator nor a debugging service has anything to do with receiving a bug submission service." The Examiner respectfully disagrees for at least the reasons given

above. Further, the Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

23. On page 18, under the section REMARKS, with respect to claims 9-12, the Applicant argues, "the cited section of Meier taught nothing about receiving a bug submission service." The Examiner respectfully disagrees for at least the reasons given above. Further, the Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

24. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Maskulinski whose telephone number is (571) 272-3649. The examiner can normally be reached on Monday-Friday 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W. Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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